

## **REMARKS**

Applicants respectfully request consideration of the following remarks in response to the Office Action mailed May 14, 2008. Applicants respectfully submit that the remarks contained herein place the instant application in condition for allowance.

Upon entry of this response, claims 1 – 23 are pending. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### **I. Rejections Under 35 U.S.C. §103 – *Ertugrul* in view of *Lehman***

#### **A. Claim 1 is Allowable Over *Ertugrul* in view of *Lehman***

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2002/0087645 ("*Ertugrul*") in view of Wayback machine:

<http://web.archive.org/web/19970125101157/http://www.albion.com/ngmsn/07chat-sample.html> ("*Lehman*"). Applicants respectfully traverse this rejection for at least the reason that *Ertugrul* in view of *Lehman* fails to disclose, teach, or suggest all of the elements of claim 1. More specifically, claim 1 recites:

A method for saving a transcript of instant messaging (IM) chat sessions, the method comprising:

providing ***an email compose interface for composing an email message***, the email compose interface configured to designate at least one email recipient, ***the email compose interface including an email send option for sending the email message to the email recipient***, ***the email compose interface including an IM launch option for launching an IM chat session*** with the at least one recipient of the email message, the email compose interface being configured for a user to input a message in the email compose interface and the IM option being configured to ***facilitate automatically launching an IM session in response to selection of the launch IM option***;

receiving an indication to launch an IM chat session with the at least one email recipient of the email message from the email compose interface;

receiving an indication to save an IM chat transcript of the IM chat session; and

saving the IM chat transcript in response to receiving the indication to save the IM chat transcript.  
**(Emphasis added).**

Applicants respectfully submit that claim 1 is allowable over the cited art for at least the reason that neither *Ertugrul* nor *Lehman*, taken alone or in combination, discloses, teaches, or suggests a “method for saving a transcript of instant messaging (IM) chat sessions, the method comprising... providing ***an email compose interface for composing an email message***, the email compose interface configured to designate at least one email recipient, ***the email compose interface including an email send option for sending the email message to the email recipient, the email compose interface including an IM launch option for launching an IM chat session*** with the at least one recipient of the email message, the email compose interface being configured for a user to input a message in the email compose interface and the IM option being configured to ***facilitate automatically launching an IM session in response to selection of the launch IM option***” as recited in claim 1. More specifically, *Ertugrul* discloses “FIG. 2 [which] illustrates the body of a representative email message 200 received by an email recipient in accordance with the current improvement. Embedded in message 200 is an ‘instant messaging’ window 202” (emphasis added, page 3, paragraph [0034]). As illustrated in this passage (and confirmed in the referenced FIG. 2), *Ertugrul* appears to disclose that an email recipient can receive an email message and that email message can include the “Voxter device.” The “Voxter device” can then display an instant messaging window in the receive email. Applicants respectfully submit that this is different than claim 1.

First, in FIG. 2, *Ertugrul* discloses a receive email window. This is completely different than an email compose interface, as recited in claim 1 for at least the reason that the email recipient cannot compose an email from window 200. The user must select “reply,” “reply all,” “forward,” or create a new email in order to access an email compose window. Accordingly, *Ertugrul* fails to even suggest ***“an email compose interface for composing an email message,”*** as recited in claim 1.

Second, because *Ertugrul* discloses a receive email window, *Ertugrul* cannot disclose a “**mail send option for sending the email message to the email recipient**” as recited in claim 1. More specifically, in *Ertugrul*, by selecting “reply,” “reply all,” “forward,” an email compose window is presented, but nothing is sent to the sender (or second recipient). Consequently, there is no option in *Ertugrul* that even suggests a email compose interface that includes a “**mail send option for sending the email message to the email recipient**” as recited in claim 1.

While the Office Action may attempt argue that “given the broadest interpretation” (OA page 13, “Response to Arguments,” line 3), the disputed claim elements are disclosed. However, Applicants would disagree with this argument for at least the reason that such an argument does not comply with the MPEP. More specifically, the standard for review is provided in MPEP §2111, which states:

During patent examination, the pending claims must be “given their broadest reasonable interpretation consistent with the specification.” The Federal Circuit’s *en banc* decision in *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005)... The Patent and Trademark Office (“PTO”) determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction “in light of the specification as it would be interpreted by one of ordinary skill in the art.” *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004).  
(Emphasis added).

Accordingly, a reasonable interpretation that is consistent with the specification cannot include reading a receive email window, as described in *Ertugrul*, on “**an email compose interface for composing an email message**” as recited in claim 1. Consequently, *Ertugrul* cannot disclose “**the email compose interface including an email send option for sending the email message to the email recipient, the email compose interface including an IM launch option for launching an IM chat session**” as recited in claim 1.

Further, *Lehman* fails to overcome the deficiencies of *Ertugrul*. More specifically, *Lehman* discloses “The Essence of Chat” (page 1, line 12). Consequently, *Lehman* fails to

disclose any email compose interface, and is thus is different than claim 1. Accordingly, claim 1 is allowable over any combination of *Ertugrul* and *Lehman*.

**B. Claim 9 is Allowable Over *Ertugrul* in view of *Lehman***

The Office Action indicates that claim 9 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2002/0087645 ("*Ertugrul*") in view of Wayback machine:

<http://web.archive.org/web/19970125101157/http://www.albion.com/ngmsn/07chat-sample.html> ("*Lehman*"). Applicants respectfully traverse this rejection for at least the reason that *Ertugrul* in view of *Lehman* fails to disclose, teach, or suggest all of the elements of claim 9. More specifically, claim 9 recites:

A computer-readable storage medium encoded with instructions for execution, comprising:

computer-readable code adapted to instruct a programmable device to provide ***an email compose interface for composing an email message***, the email compose interface configured to designate at least one email recipient, ***the email compose interface including an email send option for sending the email message to the email recipient, the email compose interface including an IM launch option for launching an IM chat session*** with the at least one recipient of the email message, the email compose interface being configured for a user to input a message in the email compose interface and ***the IM option being configured to facilitate automatically launching an IM session in response to selection of the launch IM option***;

computer-readable code adapted to instruct a programmable device to receive an indication to launch an IM chat session with the at least one email recipient of the email message from the email compose interface;

computer-readable code adapted to instruct a programmable device to receive an indication to save an IM chat transcript of the IM chat session; and

computer-readable code adapted to instruct a programmable device to save the IM chat transcript in response to receiving the indication to save the IM chat transcript.

***(Emphasis added).***

Applicants respectfully submit that claim 9 is allowable over the cited art for at least the reason that neither *Ertugrul* nor *Lehman*, taken alone or in combination, discloses, teaches, or suggests a "computer-readable storage medium encoded with instructions for execution, comprising... computer-readable code adapted to instruct a programmable device to provide ***an email compose interface for composing an email message***, the email compose interface configured to designate at least one email recipient, ***the email compose interface including an email send option for sending the email message to the email recipient, the email compose interface including an IM launch option for launching an IM chat session*** with the at least one recipient of the email message, the email compose interface being configured for a user to input a message in the email compose interface and ***the IM option being configured to facilitate automatically launching an IM session in response to selection of the launch IM option***" as recited in claim 9. More specifically, *Ertugrul* discloses "FIG. 2 [which] illustrates the body of a representative email message 200 received by an email recipient in accordance with the current improvement. Embedded in message 200 is an 'instant messaging' window 202" (emphasis added, page 3, paragraph [0034]). As illustrated in this passage (and confirmed in the referenced FIG. 2), *Ertugrul* appears to disclose that an email recipient can receive an email message and that email message can include the "Voxter device." The "Voxter device" can then display an instant messaging window in the receive email. Applicants respectfully submit that this is different than claim 9.

First, in FIG. 2, *Ertugrul* discloses a receive email window. This is completely different than an email compose interface, as recited in claim 9 for at least the reason that the email recipient cannot compose an email from window 200. The user must select "reply," "reply all," "forward," or create a new email in order to access an email compose window. Accordingly, *Ertugrul* fails to even suggest "***an email compose interface for composing an email message***," as recited in claim 9.

Second, because *Ertugrul* discloses a receive email window, *Ertugrul* cannot disclose ***“an email send option for sending the email message to the email recipient”*** as recited in claim 9. More specifically, in *Ertugrul*, by selecting “reply,” “reply all,” “forward,” an email compose window is presented, but nothing is sent to the sender (or second recipient). Consequently, there is no option in *Ertugrul* that even suggests a email compose interface that includes ***“an email send option for sending the email message to the email recipient”*** as recited in claim 9.

While the Office Action may attempt argue that “given the broadest interpretation” (OA page 13, “Response to Arguments,” line 3), the disputed claim elements are disclosed. However, Applicants would disagree with this argument for at least the reason that such an argument does not comply with the MPEP. More specifically, the standard for review is provided in MPEP §2111, which states:

During patent examination, the pending claims must be “given their broadest reasonable interpretation consistent with the specification.” The Federal Circuit’s *en banc* decision in *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005)... The Patent and Trademark Office (“PTO”) determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction “in light of the specification as it would be interpreted by one of ordinary skill in the art.” *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004).  
(Emphasis added).

Accordingly, a reasonable interpretation that is consistent with the specification cannot include reading a receive email window, as described in *Ertugrul*, on ***“an email compose interface for composing an email message”*** as recited in claim 9. Consequently, *Ertugrul* cannot disclose ***“the email compose interface including an email send option for sending the email message to the email recipient, the email compose interface including an IM launch option for launching an IM chat session”*** as recited in claim 9.

Further, *Lehman* fails to overcome the deficiencies of *Ertugrul*. More specifically, *Lehman* discloses “The Essence of Chat” (page 1, line 12). Consequently, *Lehman* fails to

disclose any email compose interface, and is thus is different than claim 9. Accordingly, claim 9 is allowable over any combination of *Ertugrul* and *Lehman*.

**C. Claim 16 is Allowable Over *Ertugrul* in view of *Lehman***

The Office Action indicates that claim 16 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2002/0087645 ("*Ertugrul*") in view of Wayback machine:

<http://web.archive.org/web/19970125101157/http://www.albion.com/ngmsn/07chat-sample.html> ("*Lehman*"). Applicants respectfully traverse this rejection for at least the reason that *Ertugrul* in view of *Lehman* fails to disclose, teach, or suggest all of the elements of claim 16. More specifically, claim 16 recites:

A system for saving a transcript of instant messaging (IM) chat sessions, the system comprising:

means for providing ***an email compose interface for composing an email message***, the email interface configured to designate at least one email recipient, ***the email compose interface including an email send option for sending the email message to the email recipient, the email compose interface including an IM launch option for launching an IM chat session*** with the at least one recipient of the email message, the email compose interface being configured for a user to input a message in the email compose interface and ***the IM option being configured to facilitate automatically launching an IM session in response to selection of the launch IM option***;

means for receiving an indication to launch an IM chat session with the at least one email recipient of the email message from the email compose interface;

means for receiving an indication to save an IM chat transcript of the IM chat session; and

means for saving the IM chat transcript in response to receiving the indication to save the IM chat transcript.

***(Emphasis added).***

Applicants respectfully submit that claim 16 is allowable over the cited art for at least the reason that neither *Ertugrul* nor *Lehman*, taken alone or in combination, discloses, teaches, or suggests a "system for saving a transcript of instant messaging (IM) chat sessions, the system comprising... means for providing ***an email compose interface for composing an email***

*message*, the email interface configured to designate at least one email recipient, *the email compose interface including an email send option for sending the email message to the email recipient, the email compose interface including an IM launch option for launching an IM chat session* with the at least one recipient of the email message, the email compose interface being configured for a user to input a message in the email compose interface and *the IM option being configured to facilitate automatically launching an IM session in response to selection of the launch IM option*" as recited in claim 16. More specifically, *Ertugrul* discloses "FIG. 2 [which] illustrates the body of a representative email message 200 received by an email recipient in accordance with the current improvement. Embedded in message 200 is an 'instant messaging' window 202" (*emphasis added*, page 3, paragraph [0034]). As illustrated in this passage (and confirmed in the referenced FIG. 2), *Ertugrul* appears to disclose that an email recipient can receive an email message and that email message can include the "Voxter device." The "Voxter device" can then display an instant messaging window in the receive email. Applicants respectfully submit that this is different than claim 16.

First, in FIG. 2, *Ertugrul* discloses a receive email window. This is completely different than an email compose interface, as recited in claim 16 for at least the reason that the email recipient cannot compose an email from window 200. The user must select "reply," "reply all," "forward," or create a new email in order to access an email compose window. Accordingly, *Ertugrul* fails to even suggest "*an email compose interface for composing an email message*," as recited in claim 16.

Second, because *Ertugrul* discloses a receive email window, *Ertugrul* cannot disclose "*an email send option for sending the email message to the email recipient*" as recited in claim 16. More specifically, in *Ertugrul*, by selecting "reply," "reply all," "forward," an email compose window is presented, but nothing is sent to the sender (or second recipient). Consequently, there is no option in *Ertugrul* that even suggests an email compose interface that



includes “***an email send option for sending the email message to the email recipient***” as recited in claim 16.

While the Office Action may attempt argue that “given the broadest interpretation” (OA page 13, “Response to Arguments,” line 3), the disputed claim elements are disclosed. However, Applicants would disagree with this argument for at least the reason that such an argument does not comply with the MPEP. More specifically, the standard for review is provided in MPEP §2111, which states:

During patent examination, the pending claims must be “given their broadest reasonable interpretation consistent with the specification.” The Federal Circuit’s *en banc* decision in *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005)... The Patent and Trademark Office (“PTO”) determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction “in light of the specification as it would be interpreted by one of ordinary skill in the art.” *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004).  
(Emphasis added).

Accordingly, a reasonable interpretation that is consistent with the specification cannot include reading a receive email window, as described in *Ertugrul*, on “***an email compose interface for composing an email message***” as recited in claim 16. Consequently, *Ertugrul* cannot disclose “***the email compose interface including an email send option for sending the email message to the email recipient, the email compose interface including an IM launch option for launching an IM chat session***” as recited in claim 16.

Further, *Lehman* fails to overcome the deficiencies of *Ertugrul*. More specifically, *Lehman* discloses “The Essence of Chat” (page 1, line 12). Consequently, *Lehman* fails to disclose any email compose interface, and is thus is different than claim 16. Accordingly, claim 16 is allowable over any combination of *Ertugrul* and *Lehman*.

**D. Claim 17 is Allowable Over *Ertugrul* in view of *Lehman***

The Office Action indicates that claim 17 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2002/0087645 ("*Ertugrul*") in view of Wayback machine:

<http://web.archive.org/web/19970125101157/http://www.albion.com/ngmsn/07chat-sample.html> ("*Lehman*"). Applicants respectfully traverse this rejection for at least the reason that *Ertugrul* in view of *Lehman* fails to disclose, teach, or suggest all of the elements of claim 17. More specifically, claim 17 recites:

A system for saving a transcript of instant messaging (IM) chat sessions, the system comprising:

a provide component configured to provide *an email compose interface for composing an email message*, the email compose interface configured to designate at least one email recipient, *the email compose interface including an email send option for sending the email message to the email recipient, the email compose interface including an IM launch option for launching an IM chat session* with the at least one recipient of the email message, the email compose interface being configured for a user to input a message in the email compose interface and the *IM option being configured to facilitate automatically launching an IM session in response to selection of the launch IM option*;

a first receive component configured to receive an indication to launch an IM chat session with the at least one recipient of the email message from the email compose interface;

a second receive component configured to receive an indication to save an IM chat transcript of the IM chat session; and

a save component configured to save the IM chat transcript in response to receiving the indication to save the IM chat transcript.

**(Emphasis added).**

Applicants respectfully submit that claim 17 is allowable over the cited art for at least the reason that neither *Ertugrul* nor *Lehman*, taken alone or in combination, discloses, teaches, or suggests a "system for saving a transcript of instant messaging (IM) chat sessions, the system comprising... a provide component configured to provide *an email compose interface for composing an email message*, the email compose interface configured to designate at least one email recipient, *the email compose interface including an email send option for sending the email message to the email recipient, the email compose interface including*

*an IM launch option for launching an IM chat session* with the at least one recipient of the email message, the email compose interface being configured for a user to input a message in the email compose interface and the *IM option being configured to facilitate automatically launching an IM session in response to selection of the launch IM option*" as recited in claim 17. More specifically, *Ertugrul* discloses "FIG. 2 [which] illustrates the body of a representative email message 200 received by an email recipient in accordance with the current improvement. Embedded in message 200 is an 'instant messaging' window 202" (emphasis added, page 3, paragraph [0034]). As illustrated in this passage (and confirmed in the referenced FIG. 2), *Ertugrul* appears to disclose that an email recipient can receive an email message and that email message can include the "Voxter device." The "Voxter device" can then display an instant messaging window in the receive email. Applicants respectfully submit that this is different than claim 17.

First, in FIG. 2, *Ertugrul* discloses a receive email window. This is completely different than an email compose interface, as recited in claim 17 for at least the reason that the email recipient cannot compose an email from window 200. The user must select "reply," "reply all," "forward," or create a new email in order to access an email compose window. Accordingly, *Ertugrul* fails to even suggest "*an email compose interface for composing an email message*," as recited in claim 17.

Second, because *Ertugrul* discloses a receive email window, *Ertugrul* cannot disclose "*an email send option for sending the email message to the email recipient*" as recited in claim 17. More specifically, in *Ertugrul*, by selecting "reply," "reply all," "forward," an email compose window is presented, but nothing is sent to the sender (or second recipient). Consequently, there is no option in *Ertugrul* that even suggests a email compose interface that includes "*an email send option for sending the email message to the email recipient*" as recited in claim 17.

While the Office Action may attempt argue that "given the broadest interpretation" (OA page 13, "Response to Arguments," line 3), the disputed claim elements are disclosed. However, Applicants would disagree with this argument for at least the reason that such an argument does not comply with the MPEP. More specifically, the standard for review is provided in MPEP §2111, which states:

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." The Federal Circuit's *en banc* decision in *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005)... The Patent and Trademark Office ("PTO") determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction "in light of the specification as it would be interpreted by one of ordinary skill in the art." *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004).  
(Emphasis added).

Accordingly, a reasonable interpretation that is consistent with the specification cannot include reading a receive email window, as described in *Ertugrul*, on "***an email compose interface for composing an email message***" as recited in claim 17. Consequently, *Ertugrul* cannot disclose "***the email compose interface including an email send option for sending the email message to the email recipient, the email compose interface including an IM launch option for launching an IM chat session***" as recited in claim 17.

Further, *Lehman* fails to overcome the deficiencies of *Ertugrul*. More specifically, *Lehman* discloses "The Essence of Chat" (page 1, line 12). Consequently, *Lehman* fails to disclose any email compose interface, and is thus is different than claim 17. Accordingly, claim 17 is allowable over any combination of *Ertugrul* and *Lehman*.

**E. Claims 2, 7, 10, 14, 18, and 22 are Allowable Over *Ertugrul* in view of *Lehman***

The Office Action indicates that claims 2, 7, 10, 14, 18, and 22 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number

2002/0087645 ("*Ertugrul*") in view of Wayback machine:

<http://web.archive.org/web/19970125101157/http://www.albion.com/ngmsn/07chat-sample.html> ("*Lehman*"). Applicants respectfully traverse this rejection for at least the reason that *Ertugrul* in view of *Lehman* fails to disclose, teach, or suggest all of the elements of claims 2, 7, 10, 14, 18, and 22. More specifically, dependent claims 2 and 7 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 1. Dependent claims 10 and 14 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 9. Dependent claims 18 and 22 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 17. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

**II. Rejections Under 35 U.S.C. §103 – Claims 3 – 5, 11 – 12, and 19 – 20 are Allowable Over *Ertugrul* and *Lehman* in view of *Kusuda***

The Office Action indicates that claims 3 – 5, 11 – 12, and 19 – 20 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2002/0087645 ("*Ertugrul*") and Wayback machine:

<http://web.archive.org/web/19970125101157/http://www.albion.com/ngmsn/07chat-sample.html> ("*Lehman*") in view of U.S. Patent Publication Number 2003/0088623 ("*Kusuda*"). Applicants respectfully traverse this rejection for at least the reason that *Ertugrul* and *Lehman* in view of *Kusuda* fails to disclose, teach, or suggest all of the elements of claims 3 – 5, 11 – 12, and 19 – 20. More specifically, dependent claims 3 – 5 are believed to be allowable over *Ertugrul* and *Lehman* for at least the reason that these claims depend from and include the elements of allowable independent claim 1. Dependent claims 11 – 12 are believed to be allowable over *Ertugrul* and *Lehman* for at least the reason that they depend from and include the elements of allowable independent claim 9. Dependent claims 19 – 20 are believed to be allowable over

*Ertugrul* and *Lehman* for at least the reason that they depend from and include the elements of allowable independent claim 17. Because *Kusuda* fails to overcome the deficiencies of *Ertugrul* and *Lehman*, claims 2, 7, 10, 14, 18, and 22 are allowable as a matter of law. In *re Fine*, *Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

**III. Rejections Under 35 U.S.C. §103 – Claims 6, 13, and 21 are Allowable Over *Ertugrul*, *Lehman*, and *Kusuda* in view of *Gusler***

The Office Action indicates that claims 6, 13, and 21 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2002/0087645 ("*Ertugrul*"), and Wayback machine: <http://web.archive.org/web/19970125101157/http://www.albion.com/ngmsn/07chat-sample.html> ("*Lehman*"), and U.S. Patent Publication Number 2003/0088623 ("*Kusuda*") in view of U.S. Patent Publication Number 2003/0105815 ("*Gusler*"). Applicants respectfully traverse this rejection for at least the reason that *Ertugrul*, *Lehman*, and *Kusuda* in view of *Gusler* fails to disclose, teach, or suggest all of the elements of claims 6, 13, and 21. More specifically, dependent claim 6 is believed to be allowable over *Ertugrul* and *Lehman* for at least the reason that this claim depends from and includes the elements of allowable independent claim 1. Dependent claim 13 is believed to be allowable over *Ertugrul* and *Lehman* for at least the reason that this claim depends from and includes the elements of allowable independent claim 9. Dependent claim 21 is believed to be allowable over *Ertugrul* and *Lehman* for at least the reason that this claim depends from and includes the elements of allowable independent claim 17. Because neither *Kusuda* nor *Gusler* taken alone and in combination to overcome the deficiencies of *Ertugrul* and *Lehman*, claims 6, 13, and 21 are allowable as a matter of law. In *re Fine*, *Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

**IV. Rejections Under 35 U.S.C. §103 – Claims 8, 15, and 23 are Allowable Over *Ertugrul* and *Lehman* in view of *Gusler***

The Office Action indicates that claims 8, 15, and 23 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2002/0087645 ("*Ertugrul*") and Wayback machine: <http://web.archive.org/web/19970125101157/http://www.albion.com/ngmsn/07chat-sample.html> ("*Lehman*") in view of U.S. Patent Publication Number 2003/0105815 ("*Gusler*"). Applicants respectfully traverse this rejection for at least the reason that *Ertugrul* and *Lehman* in view of *Gusler* fails to disclose, teach, or suggest all of the elements of claims 8, 15, and 23. More specifically, dependent claim 8 is believed to be allowable over *Ertugrul* for at least the reason that this claim depends from and includes the elements of allowable independent claim 1. Dependent claim 15 is believed to be allowable over *Ertugrul* and *Lehman* for at least the reason that this claim depends from and includes the elements of allowable independent claim 9. Dependent claim 23 is believed to be allowable over *Ertugrul* and *Lehman* for at least the reason that this claim depends from and includes the elements of allowable independent claim 17. Because *Gusler* fails to overcome the deficiencies of *Ertugrul* and *Lehman*, claims 8, 15, and 23 are allowable as a matter of law. In *re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

### **CONCLUSION**

For at least the reasons set forth above, all objections and/or rejections have been traversed, rendered moot, and/or addressed, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/afb/

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